

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMERICAN CIVIL LIBERTIES UNION;
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION; NEW YORK CIVIL
LIBERTIES UNION; and NEW YORK
CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiffs,

v.

JAMES R. CLAPPER, in his official capacity
as Director of National Intelligence;
KEITH B. ALEXANDER, in his official
capacity as Director of the National
Security Agency and Chief of the Central
Security Service; CHARLES T. HAGEL,
in his official capacity as Secretary of
Defense; ERIC H. HOLDER, in his official
capacity as Attorney General of the United
States; and ROBERT S. MUELLER III, in
his official capacity as Director of the
Federal Bureau of Investigation,

Defendants.

**NOTICE OF MOTION FOR A
PRELIMINARY INJUNCTION**

No. 13-cv-03994 (WHP)

ECF CASE

**PLAINTIFFS' NOTICE OF
MOTION FOR A PRELIMINARY INJUNCTION**

Upon pleadings and papers in this matter, Plaintiffs now move this Court before the Honorable William H. Pauley III, United States District Court Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for a preliminary injunction against the Defendants, their agents, servants, employees, officials, or any other person acting in concert with them or on their behalf, pursuant to Rule 65 of the Federal Rules of Civil Procedure.

In particular, Plaintiffs move this Court for a preliminary injunction that, during the pendency of this suit, (i) bars Defendants from collecting Plaintiffs' call records under the mass call-tracking program, (ii) requires Defendants to quarantine all of Plaintiffs' call records already collected under the program, and (iii) prohibits Defendants from querying metadata obtained through the program using any phone number or other identifier associated with Plaintiffs.

As set forth in the accompanying memorandum of law and declarations in support of this motion, and in the Complaint, Plaintiffs meet all of the requirements for the issuance of a preliminary injunction. Specifically, Plaintiffs submit:

1. Declaration of Professor Edward W. Felten, and the exhibit attached thereto;
2. Declaration of Steven R. Shapiro;
3. Declaration of Christopher Dunn;
4. Declaration of Michael German;
5. Declaration of Patrick C. Toomey, and the exhibits attached thereto;
6. Plaintiffs' Memorandum of Law.

The Court has scheduled oral argument at 12:00 p.m. on November 1, 2013. Plaintiffs respectfully request that this Court issue the preliminary injunction sought by the Plaintiffs pending a final resolution of the merits of the case.

Respectfully submitted,

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/s/ Jameel Jaffer

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August 26, 2013

CERTIFICATE OF SERVICE

I, Jameel Jaffer, certify that on August 26, 2013, I served the foregoing Motion for a Preliminary Injunction and accompanying papers upon Defendants, by operation of the Court's electronic filing system:

/s/ Jameel Jaffer

Jameel Jaffer

August 26, 2013